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July 20, 1998

Magalie R. Salas, Esq.  
Secretary  
Federal Communications Commission  
1919 M Street, N.W., Room 222  
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

ORIGINAL

Re: WT Docket No. 96-86; *Ex Parte* Presentation by  
The Dataradio Group of Companies

Dear Ms. Salas:

In accordance with Section 1.1206(b)(2) of the Commission's rules, please be advised that on July 20, 1998, I delivered an oral *ex parte* presentation to Ari Fitzgerald, Esq., Legal Assistant to Chairman Kennard, on behalf of the Dataradio Group of Companies ("DATARADIO").

The purpose of the presentation was to discuss points raised in DATARADIO's written *ex parte* statement filed with the Commission on June 22, 1998. In addition, I also discussed with Mr. Fitzgerald the implications of pending Senate bill S. 2022 regarding establishment of state-of-the-art data communication systems for Public Safety entities.

I am enclosing, for inclusion in the docket files, a copy of S. 2022 as well as a one-page summary of DATARADIO's principal concerns in WT Docket No. 96-86. All other matters discussed in my presentation to Mr. Fitzgerald are included in DATARADIO's *ex parte* statement of June 22, 1998.

Very truly yours,

*Frederick J. Day*  
Frederick J. Day

Enclosures

cc: Ari Fitzgerald, Esq.

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## **Introduction**

The Dataradio Group of Companies urges the Federal Communications Commission to adopt rules in WT Docket No. 96-86 that will permit public safety users to employ data transmissions without impediment. To permit the unfettered emergence of data, the Commission's decision should refrain from imposing unnecessary restrictions in two critical areas: (1) the apportionment of channels between voice and data; and (2) interoperability requirements. Specifically, Dataradio recommends the following approach:

## **Apportionment of Channels Between Data and Voice**

Data and voice systems should be placed on an equal footing. Department of Justice statistics show that over the past decade, the size of police forces at the state and local levels have increased less than 5%. This trend will continue for the foreseeable future, as state and local governments strive to cope with budgetary constraints. In an environment where the number of police officers in the field remains nearly constant, the frequency of voice transmissions will remain constant as well. Rather than increasing the number of patrol officers, the future direction of public safety organizations will focus on enhancing operational efficiency. Data communications will serve a critical role in this future direction.<sup>1</sup> If police officers in the field have immediate access to their police departments' centralized computer files, they will be able to conduct background checks within seconds, retrieve mugshots and data files on suspects nearly instantaneously, and transmit all-point bulletins regarding criminal activities without delay. Moreover, one result of the inevitable increase in data uses will be to diminish the use of voice channels, which will create, in effect, additional voice resources. To permit public safety departments to implement state-of-the-art data technologies, they must have access to a sufficient number of mobile channels of up to 150 kilohertz in bandwidth. The rules developed in the Public Safety proceeding, therefore, should allow the marketplace to determine how the available channels are to be apportioned between data and voice. The rules should not mandate an arbitrary division of channels between data and voice applications. If the Commission does feel compelled to allocate discrete channels for data and voice, however, the only solution is to divide the available channels in equal proportions between data and voice.

## **Interoperability**

System interoperability is essentially irrelevant in the world of data. With today's data systems, all radio transmissions will be capable of accessing the same or similar centralized computer files. The primary objective of Public Safety departments which rely on data systems is to provide their field officers with instantaneous access to the same data that is available at the department headquarters. Interoperability is not of critical importance. Moreover, interoperability, in the context of data systems, is an unobtainable objective. Currently, there are at least ten major companies producing software programs for use by Public Safety departments. It would be impossible to develop standard protocols that will accommodate all of the available Public Safety software. With Public Safety's ever-increasing reliance on data transmissions and innovative software applications rather than voice systems, the future direction of Public Safety networks will be predicated less on interoperability and more on instantaneous access to data files. In view of these undeniable trends, Dataradio urges the Commission not to commit its resources -- and the resources of Public Safety departments in general -- to implementing interoperability in the allocation at 746-806 MHz. Moreover, the available evidence demonstrates that increasing the level of interoperability is not a particularly significant concern among Public Safety users. According to the recent study by the National Institute of Justice, "most agencies seek additional channels for voice and data communications before interoperable systems."<sup>2</sup>

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<sup>1</sup> A 1998 study by the National Institute of Justice, conducted under the auspices of the U.S. Department of Justice, concluded that Public Safety "agencies are making plans to increase the use of available spectrum by expanding the use of wireless data applications." *U.S. Department of Justice, Research in Brief, January 1998.*

<sup>2</sup> Caron Carlson, *FCC Rethinking Size of Radio Interoperability*, WIRELESS WEEK, APRIL 13, 1998.

## Calendar No. 382

105TH CONGRESS  
2D SESSION

## S. 2022

To provide for the improvement of interstate criminal justice identification,  
information, communications, and forensics.

## IN THE SENATE OF THE UNITED STATES

APRIL 30, 1998

Mr. DEWINE (for himself, Mr. HATCH, Mr. LEAHY, Mr. ABRAHAM, Mr. DASCHLE, Mr. SESSIONS, Mr. THURMOND, Mr. GLENN, and Mr. JOHNSON) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

MAY 21, 1998

Reported by Mr. HATCH, with an amendment

(Insert the part printed in *italics*)

## A BILL

To provide for the improvement of interstate criminal justice  
identification, information, communications, and forensics.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the "Crime Identification  
5 Technology Act of 1998".

**1 SEC. 2 STATE GRANT PROGRAM FOR CRIMINAL JUSTICE****2 IDENTIFICATION, INFORMATION, AND COM-**  
**3 MUNICATION.**

4 (a) IN GENERAL.—Subject to the availability of  
5 amounts provided in advance in appropriations Acts, the  
6 Attorney General, through the Bureau of Justice Statis-  
7 tics of the Department of Justice, shall make a grant to  
8 each State, which shall be used by the State, in conjunc-  
9 tion with units of local government, State and local courts,  
10 other States, or combinations thereof, to establish or up-  
11 grade an integrated approach to develop information and  
12 identification technologies and systems to—

13 (1) upgrade criminal history and criminal jus-  
14 tice record systems, including systems operated by  
15 law enforcement agencies and courts;

16 (2) improve criminal justice identification;

17 (3) promote compatibility and integration of na-  
18 tional, State, and local systems for—

19 (A) criminal justice purposes;

20 (B) firearms eligibility determinations;

21 (C) identification of sexual offenders;

22 (D) identification of domestic violence of-  
23 fenders; and

24 (E) background checks for other author-  
25 ized purposes unrelated to criminal justice; and

1 (4) capture information for statistical and re-  
2 search purposes to improve the administration of  
3 criminal justice.

4 (b) USE OF GRANT AMOUNTS.—Grants under this  
5 section may be used for programs to establish, develop,  
6 update, or upgrade—

7 (1) State centralized, automated, adult and ju-  
8 venile criminal history record information systems,  
9 including arrest and disposition reporting;

10 (2) automated fingerprint identification systems  
11 that are compatible with standards established by  
12 the National Institute of Standards and Technology  
13 and interoperable with the Integrated Automated  
14 Fingerprint Identification System (IAFIS) of the  
15 Federal Bureau of Investigation;

16 (3) finger imaging, live scan, and other auto-  
17 mated systems to digitize fingerprints and to com-  
18 municate prints in a manner that is compatible with  
19 standards established by the National Institute of  
20 Standards and Technology and interoperable with  
21 systems operated by States and by the Federal Bu-  
22 reau of Investigation;

23 (4) programs and systems to facilitate full par-  
24 ticipation in the Interstate Identification Index of  
25 the National Crime Information Center;

1 (5) systems to facilitate full participation in any  
2 compact relating to the Interstate Identification  
3 Index of the National Crime Information Center;

4 (6) systems to facilitate full participation in the  
5 national instant criminal background check system  
6 established under section 103(b) of the Brady Hand-  
7 gun Violence Prevention Act (18 U.S.C. 922 note)  
8 for firearms eligibility determinations;

9 (7) integrated criminal justice information sys-  
10 tems to manage and communicate criminal justice  
11 information among law enforcement agencies, courts,  
12 prosecutors, and corrections agencies;

13 (8) noncriminal history record information sys-  
14 tems relevant to firearms eligibility determinations  
15 for availability and accessibility to the national in-  
16 stant criminal background check system established  
17 under section 103(b) of the Brady Handgun Vio-  
18 lence Prevention Act (18 U.S.C. 922 note);

19 (9) court-based criminal justice information sys-  
20 tems that promote—

21 (A) reporting of dispositions to central  
22 State repositories and to the Federal Bureau of  
23 Investigation; and

1 (B) compatibility with, and integration of,  
2 court systems with other criminal justice infor-  
3 mation systems;

4 (10) ballistics identification and information  
5 programs that are compatible and integrated with  
6 the National Integrated Ballistics Network (NIBN);

7 (11) DNA programs for forensic and identifica-  
8 tion purposes, and identification and information  
9 programs to improve forensic analysis and to assist  
10 in accrediting crime laboratories;

11 (12) sexual offender identification and registra-  
12 tion systems;

13 (13) domestic violence offender identification  
14 and information systems;

15 (14) programs for fingerprint-supported back-  
16 ground checks capability for noncriminal justice pur-  
17 poses, including youth service employees and volun-  
18 teers and other individuals in positions of respon-  
19 sibility, if authorized by Federal or State law and  
20 administered by a government agency;

21 (15) criminal justice information systems with a  
22 capacity to provide statistical and research products  
23 including incident-based reporting systems that are  
24 compatible with the National Incident-Based Report-

1 ing System (NIBRS) and uniform crime reports;  
2 and

3 (16) multiagency, multijurisdictional commu-  
4 nications systems among the States to share routine  
5 and emergency information among Federal, State,  
6 and local law enforcement agencies.

7 (c) ASSURANCES.—To be eligible to receive a grant  
8 under this section, a State shall provide assurances to the  
9 Attorney General that the State has the capability to con-  
10 tribute pertinent information to the national instant crimi-  
11 nal background check system established under section  
12 103(b) of the Brady Handgun Violence Prevention Act  
13 (18 U.S.C. 922 note).

14 (d) AUTHORIZATION OF APPROPRIATIONS.—

15 (1) IN GENERAL.—There is authorized to be  
16 appropriated to carry out this section \$250,000,000  
17 for each of fiscal years 1999 through 2003.

18 (2) LIMITATIONS.—Of the amount made avail-  
19 able to carry out this section in any fiscal year—

20 (A) not more than 3 percent may be used  
21 by the Attorney General for salaries and admin-  
22 istrative expenses;

23 (B) not more than 5 percent may be used  
24 for technical assistance, training and evalua-  
25 tions, and studies commissioned by Bureau of



1 Justice Statistics of the Department of Justice  
2 (through discretionary grants or otherwise) in  
3 furtherance of the purposes of this section; and

4 (C) the Attorney General shall ensure the  
5 amounts are distributed on an equitable geo-  
6 graphic basis.

7 (e) *GRANTS TO INDIAN TRIBES.—Notwithstanding*  
8 *any other provision of this section, the Attorney General*  
9 *may use amounts made available under this section to make*  
10 *grants to Indian tribes for use in accordance with this sec-*  
11 *tion.*